

60 Tomes of a House Feb 4 20th 1745/6 (70)

THE
R E P L Y 3/-
OF THE
MINISTERS

OF THE SEVERAL
ROMAN CATHOLIC Princes and States
residing here,

TO THE
A N S W E R

RETURNED BY
His MAJESTY's Principal Secretaries of State,

TO THEIR
L E T T E R

Addressing the said PRINCIPAL SECRETARIES,

COMPLAINING

Of a Clause relating to *Popish* Priests attending such Ministers, in
his Majesty's Proclamation of the 6th of December, For putting
the Laws in Execution against *Jesuits* and *Popish Priests*, &c.

In FRENCH and ENGLISH.

L O N D O N:

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England - Proclamations - *T. George*

[illegible]

MY LORD,

EN même tems que nous avons l'honneur de faire tenir à nos Cours la Lettre de V. Exc. du 18. de ce mois, nous nous trouvons dans l'obligation d'expliquer quelques points de notre précédent Memoire du 27. du passé, afin que la verité de la force des remontrances qui y sont contenues ne puissent en aucune maniere être affoiblies.

Mais avant tout il nous sera permis de nous rappeler avec satisfaction les offres faites de notre propre mouvement à V. E. par lesquelles nous lui avons fait connoître, quelles sont envers le Roi de la *Grande-Bretagne* les Intentions des Princes que nous avons l'honneur de représenter, & qui sont ses Alliez & ses très-sinceres Amis, & par où S. M. peut bien être persuadée & certaine que si quelqu'un de nos Domestiques étoit effectivement capable des Crimes dont on nous a fait mention, ou d'aucun autre pareil attentat detestable de Felonie & de Trahison nous ne tarderions pas un instant à le congédier, & à lui ôter notre protection.

C'est ainsi qu'on en use dans toutes les Cours, pour ne pas violer les immunités des Ministres Etrangers, ni celles de leurs Familles lorsque parmi leurs Domestiques il y a réellement des Perturbateurs du Repos public, ou des Gens coupables de Felonie, les Ministres sont requis de les congédier eux mêmes, & dans des cas très-graves de livrer aussi les Criminels, & voila l'unique expedient par lequel on y maintient les prerogatives

du

MY LORD,

AT the same time that we have the Honour to transmit to our Courts your Excellency's Letter of the 18th Instant, we find ourselves obliged to explain some Points of our former Memorial of the 27th of last Month; that the Verity of the Strength of the Remonstrances contained in it may no ways be weakened.

But it will first be permitted us to recollect, with Pleasure, the Offers made of our own Motion, to your Excellency, whereby we have declared what are the Intentions towards the King of *Great Britain* of the Princes whom we have the Honour to represent, his Allies and very sincere Friends; and by which his Majesty may be well persuaded and assured, that if any of our Domestics were in fact capable of the Crimes mentioned, or of any other such detestable Attempt of Felony and Treason, we would not defer one Moment to dismiss them our Service, and withdraw our Protection.

This is what is practised in all Courts, to prevent the Violation of the Immunities of Foreign Ministers and their Families: When among their Domestics there are really Disturbers of the public Peace, or Persons guilty of Felony, the Ministers are required to dismiss them themselves, and, in very weighty Cases, also to deliver up the Offenders; which is the only Expedient whereby the Prerogatives of the Law of Nations are maintained,

du Droit des Gens, en même tems qu'on y satisfait à tout ce que peuvent exiger les respectables égards dûs à l'Etat; autrement si le Droit des Gens avoit à dépendre des Loix du Pais, ces Loix mêmes en constitueroient les bornes, & il seroit anéanti.

Les Immunités sont si amples en vertu du Droit des Gens que sans distinguer les Cas dans lesquels les Princes voudroient empêcher quelques-uns de leurs Sujets d'être employez au service des Ministres Etrangers, des qu'en effet ils se trouvent déjà à leur service & compris dans leur Famille, personne n'ignore qu'ils sont regardez, tant pour le Civil que pour le Criminel, également indépendans de la Jurisdiction de l'Etat, ou les Ministres résident, tout comme le reste de leurs Domestiques étrangers, & de leur propre Nation.

Cette Prerogative la plus précieuse, & la principale des Ministres Etrangers, a toujours été reconnue & protégée de toutes les Nations, ce qui a été prouvé même dans des cas de désordre & de Contravention; l'offense alors, soit à l'égard du Civil ou du Criminel ayant été réparée, ou bien elle est testée à la charge de qui l'a commise, comme une violation du Droit des Gens.

Nos Représentations étant uniquement fondées sur ce Droit, Nous n'avons allégué l'Acte de la 7^{me} année du Règne de la Reine Anne, que dans la seule vue de démontrer que par cette Loi même, qui supplée au défaut des précédentes, tout ce qui est dû aux Personnes &

maintained, and what the respectful Regards due to the State require, satisfied: Otherwise, if the Law of Nations was to depend on the Laws of the Country, these Laws themselves would constitute the Bounds, and that be destroyed.

The Immunities are so ample, in Virtue of the Law of Nations, that without distinguishing the Cases wherein Princes are to hinder any of their Subjects from being employed in the Service of Foreign Ministers at a time when they are already actually in it, and comprehended in their Family, every one knows, that they are looked upon, both as to the Civil and Criminal, as equally independent of the Jurisdiction of the State where the Ministers reside, with the rest of their foreign Domestics and of their own Nation.

This Privilege, the most precious, and the principal of foreign Ministers, has always been recognized and defended by all Nations; as has been proved in Cases of Disorder and Trespas; Reparation having been then made for the Offence, whether with regard to the Civil or the Criminal; or the Charge remained against the Offender, as a Violation of the Law of Nations.

Our Representations being solely founded on this Law, we did not quote the Act of the 7th Year of the Reign of Queen Anne, but only with a View to demonstrate, That all that is due to the Persons and Families of Foreign Ministers, is acknowledged by this very



aux Familles des Ministres Etrangers a été reconnu.

Quelque puisse avoir été le sujet qui ait donné occasion à ladite Loi, comme elle comprend généralement tous les cas possibles, & qu'on n'y fait d'autre exception que celle qui concerne les Marchands Banqueroutiers; il est croit par cette unique exception même que toute autre Personne sans aucune distinction de Rang, ni de sexe qui pourroit regarder le Civil ou le Criminel, reste comprise dans le Privilege dont elle parle.

Mais avant réfléchi sur ce que V. E. nous mande à ce sujet, nous ne saurions nous dispenser d'ajouter ici, que cette exception même que fait la Loi par rapport aux Marchands Banqueroutiers, & qui est directement contraire au Droit des Gens, n'a jamais été admise ni passée sous silence de la part d'aucun Ministre Etranger, ainsi que le prouvent clairement les Représentations faites là-dessus à Monsieur Boyle au mois de Février 1709, par l'Ambassadeur de Prusse, au nom de tous les Ministres Etrangers.

Quoique le respect avec lequel nous devons attendre les Instructions de nos Cours, nous oblige à différer jusqu'à ce tems-là toutes Réflexions ultérieures sur cette matière, la Droiture de nos intentions & de nos Demarches, resteroit cependant sujette à différente interpretation, si requis par V. E. d'expliquer nous mêmes quelque question qu'elle nous-fait, nous ne répliquions.

very Law, which supplies the Defect of former ones.

Whatever the Subject might have been which gave occasion to that Law, as it comprehends all possible Cases in general, and no Exception made but in relation to Bankrupts, it is clear, even by this one Exception, that every other Person without Distinction of Rank, or of whatever might regard the Civil or Criminal, remains comprehended in the Privilege spoken of.

But, having reflected on what your Excellency mentions to us on that Subject, we cannot forbear adding, That this very Exception, which the Law makes with regard to Bankrupts, and which is directly contrary to the Law of Nations, was never allowed of, or passed in Silence by any Foreign Minister; as is evident from the Representations made, on that Head, to Mr. Boyle, in the Month of February, 1709, by the Prussian Ambassador, in the Name of all the Foreign Ministers.

Although the Respect, with which we are bound to wait the Instructions of our Courts, obliges us to defer, till then, all further Reflections on this Matter, the Uprightness of our Intentions and Conduct would remain, however, liable to different Interpretations, if, required by your Excellency, to explain what you ask us, we did not make Reply.

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Que par rapport aux Prêtres Catholiques qui sont dans *Londres*, quelque puisse être leur nombre, nos Instances, & nos demandes ne regardent qu'uniquement le petit nombre, que nous en avons actuellement à notre service, & dont au commencement des presens troubles, nous avons jugé convenable de donner les noms dans la Liste que nous avons présentée à V. E. des Personnes qui composent nos Familles. Nous sommes si éloignés du dessein de vouloir nous procurer la moindre extension de nos Privileges, que nous nous sommes toujours bornés constamment, à ne faire l'exercice de notre Religion que dans nos seules Maisons. Nous nous abstiendrons d'expliquer ici surquoi consiste cet exercice, comme un seul Prêtre n'y fauroit suffire, il en résulte en conséquence, que tous ceux qui y sont nécessaires occupent le reste de la Matinée à remplir les Devoirs personnels de leur Ministère.

Mais ce n'est pas ce dont il s'agit, ainsi nous devons renouveler nos instances, pour que cet exercice, tel qu'il puisse être, nous soit laissé libre à nous & à nos Familles dans nos propres Maisons.

Pour ce qui est de l'autre question concernant des Chapelles ouvertes hors de nos Maisons, tout ce qu'on nous insinue là-dessus nous a toujours été inconnu : Il faut certainement qu'il y ait eu de la méprise dans ce qui a été représenté à V. E. sur ce point, car nous déclarons absolument déstitué de fonde-

ment,

That with regard to the *Roman Catholic Priests in London*, whatever their Number may be, our Instances and Demands regard solely the few actually in our Service, the Names of whom we thought proper to insert in the List of Persons composing our Families, presented to your Excellency at the Beginning of the present Troubles. We are so far from the Design of procuring ourselves the least Extention of our Privileges, that we have always confined the Exercise of our Religion, constantly to our Houses only. We wave explaining here wherein this Exercise consists: As one Priest is not sufficient for it, it results in consequence that all that are necessary, take up the rest of the Morning in discharging the personal Duties of their Ministry.

But this is not the Point; therefore we are bound to renew our Instances, That this Exercise, whatever it may be, should be left free to us and our Families in our own Houses.

As to the other Question, concerning Chapels opened out of our Houses, all that has been mentioned to us on that Head we have been always ignorant of: There must certainly be some Mistake in what has been represented to your Excellency on that Point, for we declare absolutely, That all Indication or Suspicion, that any of us ever

ment, tout indice ou soupçon qu'aucun de nous ait jamais permis, encore moins ordonné, à des Prêtres de tenir, ou d'ouvrir de telles Chapelles.

La véritable circonstance de ce qui a donné lieu à nos instances & à notre Mémoire du 27. du passé, avant aussi été éclairci, il nous reste la consolation d'espérer de la sagesse, de la Droiture & des Déclarations de S. M. qui les Prerogatives du Droit des Gens nous seront conservées tant à l'égard de nos Personnes & de nos Domestiques, qu'à l'égard de l'exercice de notre Religion dans nos Maisons, d'autant plus que comme il n'y a point de Prêtres étrangers dans *Londres*, & que nous n'y en avons point amené, parce que nous nous sommes reposés sur l'usage constant & immémorial de s'y servir de ceux du Pais, ledit exercice viendrait effectivement à nous être ôté par l'exécution de la Clause de la Proclamation du 17. du passé, qui regarde nos Prêtres.

Dèsque les ordres de nos Cours sur cette affaire nous seront parvenus, Nous aurons l'honneur de les communiquer à V. E. : En attendant, nous devons renouveler nos Instances pour que le Domestique de l'Envoyé de *Portugal*, détenu encore en Prison dans les fers, soit immédiatement relâché.

Et comme il est arrivé ensuite un autre arrêt en la Personne d'un Domestique de l'Envoyé Extraordinaire du Roi de *Sardaigne*, nous sommes obligés de joindre aussi

nos

ever permitted, much less appointed, Priests to hold or open such Chapels, is void of Foundation.

The true Circumstance of what occasioned our Instances and our Memorial of the 27th of last Month being thus cleared up, we have the Consolation left, to hope, from the Wisdom, Uprightness, and Declarations of his Majesty, That the Prerogatives of the Law of Nations, will be preserved to us, as well with regard to our Persons and Domestics, as with regard to the Exercise of our Religion in our Houses; the rather that, as there are no foreign Priests in *London*, and that we have brought none with us, because we confided to the constant and immemorial Custom of making use of those of the Country, the said Exercise would be effectually taken from us by the Execution of the Clause in the Proclamation of the 17th of last Month, which relates to our Priests.

As soon as the Orders of our Courts on this Affair come to hand, we shall have the Honour of communicating them to your Excellency. In the mean time, we are bound to renew our Instances, that the Domestick of the Envoy from *Portugal*, who is still confined in Prison, in Irons, may be released.

And as there happened afterwards another Arrest in the Person of a Domestick belonging to the Envoy Extraordinary from the King of *Sardinia*, we are obliged

nos instances à celles que ce Mi-
nistre a déjà faites pour le re-
clamer.

Quant au reste, nous repetons
& confirmons les tout ce que
Nous avons representez par notre
precedent Memoire, & nous avons
l'honneur d'être, &c.

LONDRES, le 21
Janvier 1746.

We have the Honour to
acknowledge the Receipt of your
Letter of the 17th of last
Month, which relates to our British
Prisoners in France, who are still
confined in Prison, in France, may
be released.

And as there happened after
wards another Arrest in the Per-
son of a Domestic belonging to
the Envoy Extraordinary from the
King of Sardinia, we are ob-
liged to join our Instances to those
made already by that Minister,
to reclaim him.

As to the rest, we here repeat
and confirm all that we have re-
presented by our former Memo-
rial, and have the Honour to
be, &c.

London, January 21
1745-6.

That the Privileges of
the Law of Nations will be pre-
served to us, as well with regard
to our Persons and Domestic, as
with regard to the Exercise of
our Religion in our Houses; the
rather that as there are no foreign
Prisoners in London, and that we
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